

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CHEYENNE PATE, #773478

§

VS.

§

CIVIL ACTION NO. 6:08cv140

DIRECTOR, TDCJ-CID

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. No objections were filed.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS that Respondent's motion to extend (dkt. #7) is **GRANTED**;

ORDERS, ADJUDGES, and DECREES that Petitioner's claims related to his custody level status and cruel and unusual punishment are **DISMISSED WITHOUT PREJUDICE** and that the remaining claims are **DISMISSED WITH PREJUDICE**; and

ORDERS that all motions not previously ruled on are denied.

So ORDERED and SIGNED this 24th day of September, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**